

REMARKS

Claim 1 has been amended to recite a test element having only one wave propagating surface. By comparison, Slovacek et al. (U.S. Patent 5,340,715) requires a first wave propagating surface and a second wave propagating surface (*see* Summary of Invention; Claims). Therefore, the invention according to amended claim 1 is not anticipated by Slovacek et al. Moreover, because this amendment merely clarifies claim language presented previously, the amendment does not provide additional issues requiring further search and consideration by the Examiner.

With respect to claim 9, the claim has been amended to include the step of "generating a signal indicative of said analyte concentration based on said detection and quantification." Applicants respectfully contend that this amendment to claim 9 obviates Examiner's rejection under 35 U.S.C. 101, and the claim is therefore directed to patentable subject matter. Support for this amendment to claim 9 can be found throughout the specification, with exemplary support being found in paragraphs [0020] and [0044]. No new matter has been added.

Conclusion

In view of the remarks and amendments made herein, applicants respectfully submit that the claims presented herein satisfy the patent statutes. Prompt allowance of the application is respectfully requested. Should the Examiner determine that anything else is desirable to place this application in even better form for allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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